

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA,)	
EX REL. HICHEM CHIHI, <i>et al.</i> ,)	
)	
<i>Plaintiff-Relator,</i>)	Judge Charles R. Eskridge III
)	
v.)	Magistrate Judge Sam S. Sheldon
)	
CATHOLIC HEALTH)	
INITIATIVES, <i>et al.</i> ,)	
)	Civil Case No. 4:18-cv-00123
<i>Defendants.</i>)	

UNOPPOSED MOTION FOR LEAVE TO FILE OUT-OF-TIME
EXHIBIT TO RELATOR'S OBJECTION

Relator Hichem Chihi, by and through his counsel, respectfully seeks leave to file the hearing transcript attached at Exhibit A (specifically, page references 3:12-3:20 and 28:4-28:5), in support of an argument in his objection at pages 14-15 of Dkt. 334. In support, Relator states as follows:

1. Prior to filing his objection (Dkt. 334), on April 12, 2022, Relator Chihi ordered the transcript for the January 27, 2022 hearing before the Honorable Magistrate Judge Sam S. Sheldon on the pending motions to dismiss in this case. *See* Dkt. 327. Relator asked for expedited processing. *Id.*
2. Unfortunately, the transcript was not able to be provided to Relator until after the filing deadline for his objection had passed, as

referenced in Relator's objection (Dkt. 334 at 15 n.2), due to reasons including an inadvertent transmission glitch.

3. For that reason, with the Court's permission, Relator seeks leave to submit the transcript out of time, as an exhibit to his previously-filed objection. Specifically, in support of the argument at pages 14-15 of Relator's brief in support of objection (Dkt. 334), Relator points the Court to page references 3:12-3:20 and 28:4-28:5 in the transcript attached as Exhibit A.

4. As set forth in more detail in the Certificate of Conference below, prior to filing this motion, Relator conferred with defense counsel listed below, who indicated that Defendants are **unopposed** to the relief sought.

WHEREFORE, Relator respectfully requests that the Court allow him to leave submit the transcript attached at Exhibit A (and specifically, page references 3:12-3:20 and 28:4-28:5 of that transcript), in support of his argument in his objection at Dkt. 334, page 14-15.

Respectfully Submitted,

/s/ Ruth Brown

One of Relator's Attorneys

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CERTIFICATE OF WORD COUNT

I hereby certify that, pursuant to Judge Eskridge's Court Procedures § 18(c) and according to Microsoft Word's word count, the foregoing document contains 271 words, including footnotes, in size 13-point Century Schoolbook font.

By: /s/ Ruth Brown
Counsel for Plaintiff Hichem Chihi

CERTIFICATE OF CONFERENCE

I, Ruth Brown, certify that I conferred on April 27 and 28 with Defendants' counsel Andrew Ennis, Jessica Christiansen, Wayne Clawwater, John Scott, James Hicks, Sam Houston, and Chris Demeo, and all indicated that their clients were unopposed to the relief sought in this motion.

By: /s/ Ruth Brown
Counsel for Plaintiff Hichem Chihi

CERTIFICATE OF SERVICE

I, Ruth Brown, an attorney, hereby certify that I filed the foregoing document via the Court's CM/ECF system on April 28, 2022, thereby effecting service upon all counsel of record.

/s/ Ruth Brown